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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

April 22, 2014

Certified Return Receipt  
7011 2970 0001 8828 2259

Boyd Dansie  
7041 West 13090 South  
Herriman, Utah 84096

Subject: Letter and Comments Concerning September 2013 Storm Events, Kennecott Utah Copper LLC; Bingham Canyon Mine; M/035/0002; Salt Lake County, Utah

Dear Mr. Dansie:

Thank you for your letter dated January 21, 2014, and received by the Division of Oil, Gas and Mining (Division) on January 23, 2014, voicing concerns about mine waste sediment from the September 2013 storm events. The Bingham Canyon mine is permitted by the Division under permit number M/035/0002.

On September 17, 2013, the Division issued a directive requiring Kennecott Utah Copper to summarize and provide a timeline for the cleanup. A summary of the event and monthly updates have been received by the Division in accordance with the directive.

On February 17, 2014, the Division met with Kennecott to discuss how it intends to clean the waste sediment. Kennecott provided an informal, draft Storm Sediment Removal Work Plan for the Dansie property.

The Division has reviewed the draft work plan, which includes removal of sediment from storm events that occurred in 1997, 2007, and 2013. Notably, the Division's September 17, 2013, directive only addressed the 2013 storm event, so Kennecott's draft plan exceeds the requirements of the Division's directive.

At this time, the Division abstains from issuing a Notice of Violation. However, the Division requests that Kennecott and the Dansies find common understanding and conclude this matter.

The Division has reviewed the plan and, except for some general comments made below, finds it to be an adequate plan to remediate the effects of the 2013 flood. Therefore, the Division asks Kennecott to execute the plan (while addressing the below comments), and asks the Dansies to grant Kennecott the access necessary to execute the plan.





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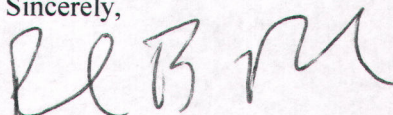
The Division makes these general comments:

1. The Division does not address in this letter the removal of sediment from the older storm events of 1997 and 2007 as shown in Figure 1, but appreciates Kennecott's efforts to remediate those events.
2. Kennecott should evaluate the nature of the sediment to determine its proper destination (page 6, Section 2.1) and ensure it meets the requirements of the permit and any other applicable regulations.
3. Kennecott needs to obtain a construction Utah Pollutant Discharge Elimination System (UPDES) permit and implement a Storm Water Pollution Prevention Plan (SWPPP) (page 7, Section 2.7).
4. The Division proposes an accelerated schedule, weather permitting (page 11, Section 4.0).
5. The Division believes the plan can be executed without requiring the Dansies to waive their rights.

If you disagree with the Division's decision that the plan is adequate, please provide, in writing, your objections based on technical reasons for the Division to review.

Please contact me if you have further questions or concerns. The Division fully supports a rapid cleanup with limited remobilization and a long term solution to the problems of runoff from storm events. I can be reached by telephone at 801-538-5261 or by electronic mail at paulbaker@utah.gov.

Sincerely,



Paul B. Baker  
Minerals Program Manager

PBB: lah: eb

Cc: Chris Kaiser, Kennecott (kaiserc@kennecott.com)  
Doug Bacon, DERR (dbacon@utah.gov)  
Teresa Gray, Salt Lake County (TGray@slco.org)

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